



Sen. Don Harmon

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09900SB3162sam002

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1 AMENDMENT TO SENATE BILL 3162

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 3162, AS AMENDED,  
3 by replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Clerks of Courts Act is amended by changing  
6 Sections 27.3a and 28 as follows:

7 (705 ILCS 105/27.3a)

8 Sec. 27.3a. Fees for automated record keeping, probation  
9 and court services operations, ~~and~~ State and Conservation  
10 Police operations, and e-business programs.

11 1. The expense of establishing and maintaining automated  
12 record keeping systems in the offices of the clerks of the  
13 circuit court shall be borne by the county. To defray such  
14 expense in any county having established such an automated  
15 system or which elects to establish such a system, the county  
16 board may require the clerk of the circuit court in their

1 county to charge and collect a court automation fee of not less  
2 than \$1 nor more than \$25 to be charged and collected by the  
3 clerk of the court. Such fee shall be paid at the time of  
4 filing the first pleading, paper or other appearance filed by  
5 each party in all civil cases or by the defendant in any  
6 felony, traffic, misdemeanor, municipal ordinance, or  
7 conservation case upon a judgment of guilty or grant of  
8 supervision, provided that the record keeping system which  
9 processes the case category for which the fee is charged is  
10 automated or has been approved for automation by the county  
11 board, and provided further that no additional fee shall be  
12 required if more than one party is presented in a single  
13 pleading, paper or other appearance. Such fee shall be  
14 collected in the manner in which all other fees or costs are  
15 collected.

16 1.1. Starting on July 6, 2012 (the effective date of Public  
17 Act 97-761) and pursuant to an administrative order from the  
18 chief judge of the circuit or the presiding judge of the county  
19 authorizing such collection, a clerk of the circuit court in  
20 any county that imposes a fee pursuant to subsection 1 of this  
21 Section shall also charge and collect an additional \$10  
22 operations fee for probation and court services department  
23 operations.

24 This additional fee shall be paid by the defendant in any  
25 felony, traffic, misdemeanor, local ordinance, or conservation  
26 case upon a judgment of guilty or grant of supervision, except

1 such \$10 operations fee shall not be charged and collected in  
2 cases governed by Supreme Court Rule 529 in which the bail  
3 amount is \$120 or less.

4 1.2. With respect to the fee imposed and collected under  
5 subsection 1.1 of this Section, each clerk shall transfer all  
6 fees monthly to the county treasurer for deposit into the  
7 probation and court services fund created under Section 15.1 of  
8 the Probation and Probation Officers Act, and such monies shall  
9 be disbursed from the fund only at the direction of the chief  
10 judge of the circuit or another judge designated by the Chief  
11 Circuit Judge in accordance with the policies and guidelines  
12 approved by the Supreme Court.

13 1.5. Starting on June 1, 2014, a clerk of the circuit court  
14 in any county that imposes a fee pursuant to subsection 1 of  
15 this Section, shall charge and collect an additional fee in an  
16 amount equal to the amount of the fee imposed pursuant to  
17 subsection 1 of this Section, except the fee imposed under this  
18 subsection may not be more than \$15. This additional fee shall  
19 be paid by the defendant in any felony, traffic, misdemeanor,  
20 or local ordinance case upon a judgment of guilty or grant of  
21 supervision. This fee shall not be paid by the defendant for  
22 any violation listed in subsection 1.6 of this Section.

23 1.6. Starting on June 1, 2014, a clerk of the circuit court  
24 in any county that imposes a fee pursuant to subsection 1 of  
25 this Section shall charge and collect an additional fee in an  
26 amount equal to the amount of the fee imposed pursuant to

1 subsection 1 of this Section, except the fee imposed under this  
2 subsection may not be more than \$15. This additional fee shall  
3 be paid by the defendant upon a judgment of guilty or grant of  
4 supervision for a violation under the State Parks Act, the  
5 Recreational Trails of Illinois Act, the Illinois Explosives  
6 Act, the Timber Buyers Licensing Act, the Forest Products  
7 Transportation Act, the Firearm Owners Identification Card  
8 Act, the Environmental Protection Act, the Fish and Aquatic  
9 Life Code, the Wildlife Code, the Cave Protection Act, the  
10 Illinois Exotic Weed Act, the Illinois Forestry Development  
11 Act, the Ginseng Harvesting Act, the Illinois Lake Management  
12 Program Act, the Illinois Natural Areas Preservation Act, the  
13 Illinois Open Land Trust Act, the Open Space Lands Acquisition  
14 and Development Act, the Illinois Prescribed Burning Act, the  
15 State Forest Act, the Water Use Act of 1983, the Illinois  
16 Veteran, Youth, and Young Adult Conservation Jobs Act, the  
17 Snowmobile Registration and Safety Act, the Boat Registration  
18 and Safety Act, the Illinois Dangerous Animals Act, the Hunter  
19 and Fishermen Interference Prohibition Act, the Wrongful Tree  
20 Cutting Act, or Section 11-1426.1, 11-1426.2, 11-1427,  
21 11-1427.1, 11-1427.2, 11-1427.3, 11-1427.4, or 11-1427.5 of  
22 the Illinois Vehicle Code, or Section 48-3 or 48-10 of the  
23 Criminal Code of 2012.

24 1.7. Starting on the effective date of this amendatory Act  
25 of the 99th General Assembly, a clerk of the circuit court in  
26 any county that imposes a fee pursuant to subsection 1 of this

1 Section shall also charge and collect an additional \$9  
2 e-business fee. The fee shall be paid at the time of filing the  
3 first pleading, paper, or other appearance filed by each party  
4 in all civil cases, except no additional fee shall be required  
5 if more than one party is presented in a single pleading,  
6 paper, or other appearance. The fee shall be collected in the  
7 manner in which all other fees or costs are collected. The fee  
8 shall be in addition to all other fees and charges of the  
9 clerk, and assessable as costs, and may be waived only if the  
10 judge specifically provides for the waiver of the e-business  
11 fee. The fee shall not be charged in any matter coming to the  
12 clerk on a change of venue, nor in any proceeding to review the  
13 decision of any administrative officer, agency, or body.

14 2. With respect to the fee imposed under subsection 1 of  
15 this Section, each clerk shall commence such charges and  
16 collections upon receipt of written notice from the chairman of  
17 the county board together with a certified copy of the board's  
18 resolution, which the clerk shall file of record in his office.

19 3. With respect to the fee imposed under subsection 1 of  
20 this Section, such fees shall be in addition to all other fees  
21 and charges of such clerks, and assessable as costs, and may be  
22 waived only if the judge specifically provides for the waiver  
23 of the court automation fee. The fees shall be remitted monthly  
24 by such clerk to the county treasurer, to be retained by him in  
25 a special fund designated as the court automation fund. The  
26 fund shall be audited by the county auditor, and the board

1 shall make expenditure from the fund in payment of any cost  
2 related to the automation of court records, including hardware,  
3 software, research and development costs and personnel related  
4 thereto, provided that the expenditure is approved by the clerk  
5 of the court and by the chief judge of the circuit court or his  
6 designate.

7 4. With respect to the fee imposed under subsection 1 of  
8 this Section, such fees shall not be charged in any matter  
9 coming to any such clerk on change of venue, nor in any  
10 proceeding to review the decision of any administrative  
11 officer, agency or body.

12 5. With respect to the additional fee imposed under  
13 subsection 1.5 of this Section, the fee shall be remitted by  
14 the circuit clerk to the State Treasurer within one month after  
15 receipt for deposit into the State Police Operations Assistance  
16 Fund.

17 6. With respect to the additional fees imposed under  
18 subsection 1.5 of this Section, the Director of State Police  
19 may direct the use of these fees for homeland security purposes  
20 by transferring these fees on a quarterly basis from the State  
21 Police Operations Assistance Fund into the Illinois Law  
22 Enforcement Alarm Systems (ILEAS) Fund for homeland security  
23 initiatives programs. The transferred fees shall be allocated,  
24 subject to the approval of the ILEAS Executive Board, as  
25 follows: (i) 66.6% shall be used for homeland security  
26 initiatives and (ii) 33.3% shall be used for airborne

1 operations. The ILEAS Executive Board shall annually supply the  
2 Director of State Police with a report of the use of these  
3 fees.

4 7. With respect to the additional fee imposed under  
5 subsection 1.6 of this Section, the fee shall be remitted by  
6 the circuit clerk to the State Treasurer within one month after  
7 receipt for deposit into the Conservation Police Operations  
8 Assistance Fund.

9 8. With respect to the fee imposed under subsection 1.7 of  
10 this Section, the clerk shall remit the fee to the State  
11 Treasurer within one month after receipt for deposit into the  
12 Supreme Court Special Purposes Fund. Unless otherwise  
13 authorized by this Act, the moneys deposited into the Supreme  
14 Court Special Purposes Fund under this subsection are not  
15 subject to administrative charges or chargebacks under Section  
16 20 of the State Treasurer Act.

17 (Source: P.A. 97-46, eff. 7-1-12; 97-453, eff. 8-19-11; 97-738,  
18 eff. 7-5-12; 97-761, eff. 7-6-12; 97-813, eff. 7-13-12;  
19 97-1108, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-375, eff.  
20 8-16-13; 98-606, eff. 6-1-14; 98-1016, eff. 8-22-14.)

21 (705 ILCS 105/28)

22 Sec. 28. Supreme Court Clerk; fees. At the time of filing a  
23 petition or record, the petitioner or appellant shall pay to  
24 the Clerk of the Supreme Court the sum of \$25. That sum shall  
25 be in full payment of all services of the clerk on behalf of

1 the petitioner or appellant, except the making of a complete  
2 record, or copies of records, papers, or orders. The respondent  
3 or appellee, before entering an appearance or filing any paper,  
4 shall pay to the Clerk of the Supreme Court the sum of \$15,  
5 which sum shall be in full payment of all services of the clerk  
6 on behalf of the respondent or appellee, except the making of a  
7 complete record, or copies of records, papers, or orders.

8 The fee for each official certificate and seal is \$1.

9 The fee for making a complete record, copy of a record, or  
10 other papers in this office is a reasonable fee per page as  
11 established by the Supreme Court, except that the clerk shall  
12 furnish without cost, to parties in interest or their attorneys  
13 of record, copies of opinions or orders. In furtherance of the  
14 public interest, the clerk may furnish copies of opinions or  
15 orders without cost to other individuals or entities.

16 The fee for preparing a law license, certifying it with the  
17 seal, administering the oath, and transcribing the name on the  
18 roll of attorneys is \$5.

19 After the effective date of this amendatory Act of the 98th  
20 General Assembly, the amount of any fee collected under this  
21 Section may be set by Supreme Court rule, except that the  
22 amount of the fees collected under this Section shall remain as  
23 set by statute until the Supreme Court adopts rules specifying  
24 a higher or lower fee amount.

25 There is created the Supreme Court Special Purposes Fund, a  
26 special fund in the State treasury. Moneys collected under this

1 Section shall be deposited into the Supreme Court Special  
2 Purposes Fund. Moneys in the Supreme Court Special Purposes  
3 Fund shall ~~to~~ be used by the Supreme Court for:

4 (1) costs associated with electronic filing and other  
5 e-business programs and case management systems in the  
6 circuit and reviewing courts; and

7 (2) the operation of committees and commissions  
8 established by the Supreme Court.

9 (Source: P.A. 98-324, eff. 10-1-13.)

10 Section 99. Effective date. This Act takes effect upon  
11 becoming law."